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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,587	12/28/2004	Michael Weber	PD020057	3088
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Joseph J. Laks			EXAMINER	
Thomson Licensing LLC			NOONAN, WILLOW W	
2 Independence Way, Patent Operations				
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PRINCETON, NJ 08543			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,587

Applicant(s)

WEBER, MICHAEL

Examiner

WILLOW NOONAN

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The instant application having Application No. 10/519,587 has a total of 11 claims pending in the application; there are 2 independent claims and 9 dependent claims, all of which are ready for examination by the examiner.

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on February 6, 2008. The submission, however, is **not fully responsive** to the prior Office action because the amendments to the claims do not include markings showing the changes relative to the last entered amendment. Applicant is directed toward 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

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(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, Examiner has **entered the amendments and treated the submission as fully responsive**. However, Applicant is reminded to ensure that all future submissions comply with 37 CFR 1.121.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 7-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Bi (U.S. Patent No. 6,963,783).

Regarding claim 1, Lea teaches a sink device with a local display (*see* Lea, p. 37, *Device Classification*) for connection to a digital IEEE 1394 network (*see* Lea, p. 35, *Supporting Technologies*). Lea further teaches that the device may have a means for displaying a user interface for controlling a data source device connected to the network. *See* Lea, p. 42, col. 1. Lea also teaches that the device has a means for controlling network resource allocation and for automatically establishing, upon selection of a function of the source device by the user through the user interface, a connection between the data source device and the data sink device. *See* Lea, p. 42, col. 1 ("Also, on the basis of the network device's streaming capabilities, the local stream manager can set up and tear down isochronous connections between different

devices.”). Lea teaches that said sink device may have playback capability of the data of the source device (e.g., DTV receiver). See Lea, p. 37, *Device Classification*.

Lea does not teach that upon receipt of the selection of the function of the source device through the user interface, the controller means checks for a previously established connection between the source device and a previously selected destination device and automatically establishes the connection between the source device and the sink device as a default destination device for data from the source device in an absence of the previously established connection.

However, Bi teaches that it is well known to automatically establish a connection from a source device to a previously connected sink device. See Bi at col. 53, lines 46-53 (“automatically connecting the wireless interface device 100 to the last host 101 to which it was successfully connected”). It would have been obvious to one of ordinary skill to use Bi’s technique in Lea’s system because Bi teaches that the technique is useful in data networks to obviate the need for the user to select a host. See *id.*

Regarding claim 2, Lea teaches that the connection is an isochronous transmission connection comprising allocation of a channel of bandwidth. See Lea, p. 42, col. 1.

Regarding claim 4, Lea teaches that the function can be a playback function. See Lea, p. 40, *DDI Controller*, “play button.”

Regarding claim 7, Lea teaches that the source device may comprise a data generation means adapted to the continuous output of data. See Lea, p. 39, col. 1, *Stream Manager*.

Regarding claim 8, Lea teaches that the device further comprises memory for storing software (see Lea, p. 36, col. 1, "acts as a host for a controlled device by running a software proxy") downloaded from the source device (see Lea, p. 36, col. 2, "uploaded DCM originates from an external source", p. 40, col. 2, "can extract this havlet from the DCM, . . . and load and execute the havlet") wherein said software is adapted to control the automatic establishment of the connection between the source device and the sink device (see Lea, p. 36, col. 1, "specifies communication between it and the DCM") and wherein the user interface is derived from said software (see Lea, p. 40, col. 1, *DDI Controller*).

Regarding claim 9, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claim 10, Lea teaches a method for setting up a data stream connection in a digital network comprising a source device and a sink device, said method comprising the steps of:

- executing a user interface on the sink device;
- selecting a function of the source device through the user interface,

characterized by the step of establishing a connection for data transmission from the data source device to the data sink device, wherein said sink device has playback capability of the data of the source device. See Lea, p. 41, col. 2, *A home network shell*.

Lea does not teach checking for a presence of a previously established connection between the source device and a previously selected destination device for

data from the source device; and automatically establishing the data stream connection for data transmission from the source device to the sink device as a default destination device for data from the source device in an absence of the previously established connection.

However, Bi teaches that it is well known to automatically establish a connection from a source device to a previously connected sink device. See Bi at col. 53, lines 46-53 ("automatically connecting the wireless interface device 100 to the last host 101 to which it was successfully connected"). It would have been obvious to one of ordinary skill to use Bi's technique is Lea's system because Bi teaches that the technique is useful in data networks to obviate the need for the user to select a host. See *id.*

Regarding claim 11, Lea further teaches that the user interface may be derived from software downloaded by the sink device from the source device. See Lea, p. 40, *The havi.ui package*, p. 41, col. 2, "instantiate the DCM's havlet."

Regarding claim 12, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claim 13, Lea teaches that the downloaded software controls the establishment of the connection. See Lea, p. 42, col. 1, "instantiate the DCM's havlet," p. 36, col. 1, "vendor of the controlled device specifies communication between it and the DCM."

Regarding claim 15, Lea teaches that the function can be a playback function (see Lea, p. 40, *DDI Controller*, "play button") and that the source device may comprise a storage means (see Lea, p. 35, col. 1, paragraph 1).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Willow Noonan/

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146